

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ADRIAN ALEXANDER GUTIERREZ RUIZ a/k/a
OSCAR LOPEZ RIOS

CRIMINAL COMPLAINT

CASE NUMBER:

MJ04-M-204 JA

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 30, 2001 in Suffolk county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense) willfully and knowingly make a false statement in an application for a passport with the intent to induce or secure the issuance of a U.S. passport,

in violation of Title 18 United States Code, Section(s) 1542

I further state that I am a(n) Special Agent, DSS and that this complaint is based on the following facts:
Official Title

See attached affidavit of DSS Special Agent Nicholas C. Porter

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

05-07-2004

Date

at

Boston, Massachusetts

City and State

JOYCE LONDON ALEXANDER
United States Magistrate Judge

Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFIDAVIT

I, Nicholas Porter, having been duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the United States Department of State, Diplomatic Security Service ("DSS"), and have been so employed since April of 2002. As part of my official duties, I am assigned to investigate violations of matters relating to the U.S. Department of State, including passport and visa fraud, illegal, improper use and possession of identification documents and false statements made to illegally obtain passports and visas.

2. The information set forth in this affidavit is based upon my investigation as well as information provided by the Boston Passport Agency, and other public agencies. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts that I believe are sufficient to establish probable cause in support of a criminal complaint charging an individual named Adrian Alexander Gutierrez Ruiz (RUIZ), a/k/a Oscar Lopez Rios, with making false statements in an application for a United States passport, in violation of Title 18, United States Code, Section 1542.

3. On August 30 2001, a person claiming to be Oscar Lopez Rios submitted an application for a United States passport at the Roxbury, Massachusetts Post Office, and also submitted a birth

certificate from Puerto Rico reflecting that he was born there on July 23, 1972. The person also submitted a Massachusetts driver's license bearing his photo in the name of Oscar Lopez Rios and, as required, submitted two copies of a photograph of himself. One of the photographs was attached to the application at the time of its submission. A copy of both the application and birth certificate are attached to this affidavit.


4. Based on suspicions that the application contained false statements, the applicant was sent a ruse letter indicating that his application had been approved; however, the passport was not included in the correspondence. The applicant contacted the Passport Agency through a telephone number listed on the correspondence and made an appointment to come in and get his passport.

5. On January 14, 2003, RUIZ presented himself at the Boston Passport Agency and was interviewed by Diplomatic Security Service Special Agents Robert Gousie and Robert Goodrich. RUIZ confirmed that he is in fact the person who submitted the application in the name of Oscar Lopez Rios and that the photograph on the application was of him. Despite our questioning, RUIZ maintained that he was Oscar Lopez Rios throughout the interview.

6. On March 19, 2004, I and agents from the Bureau of Immigration and Customs Enforcement went to the address that the

applicant had provided on the passport application, 340 Shawmut Avenue, in Boston, MA, and interviewed the resident, a woman named Maria Gladys Ruiz. We showed Ms. Ruiz a copy of the passport application submitted in the name of Oscar Lopez Rios. Ms. Ruiz stated that the person depicted in the picture is her son. She stated that his true name is Adrian Alexander Gutierrez Ruiz and that he was born in Don Matias, Colombia. A sworn statement was taken and is attached to this affidavit.

7. Based on the foregoing, I have probable cause to believe that Adrian Alexander Gutierrez Ruiz, a/k/a Oscar Lopez Rios, on or about August, 30, 2001, did willfully and knowingly make a false statement on an application for a United States passport with the intent to induce or secure the issuance of a passport under the authority of the United States for his own use or use of another, in violation of Title 18, United States Code, Section 1542.


NICHOLAS C. PORTER
Special Agent
U.S. Department of State,
Diplomatic Security Service

Subscribed and sworn before me this 14 day of May, 2004, in Boston, Massachusetts.


JOYCE LONDON ALEXANDER
United States Magistrate Judge



UNITED STATES DEPARTMENT OF STATE
APPLICATION FOR ☒ PASSPORT ☐ REGISTRATION

(Type or print all capital letters in blue or black ink in white areas only)



103816940

☐ 5 Yr. ☒ 10 Yr. Issue Date
☒ D ☐ O ☐ DP
End. # Exp.

1. NAME (First and Middle)

OSCAR / LOPEZ

LAST

RIOS

2. MAIL PASSPORT TO: STREET / RFD # OR P.O. BOX

APT. #

P.O. BOX 180712

CITY

BOSTON MA

STATE

ZIP CODE

02118

COUNTRY / IN CARE OF (if applicable)

US

3. SEX

☒ M ☐ F

4. PLACE OF BIRTH (City & State or City & Country)

GUAYAMA PUEBLO RICO

5. DATE OF BIRTH

07/23/72

6. SOCIAL SECURITY NUMBER

581571194

7. HEIGHT

Feet

Inches

5 08

8. HAIR COLOR

Brown

9. EYE COLOR

Brown

10. HOME TELEPHONE

(679) 905-6302

11. BUSINESS TELEPHONE

(679) 201-1167

12. OCCUPATION

SALEMAN

13. PERMANENT ADDRESS (DO NOT LIST P.O. BOX)

STREET/RFD #

CITY

STATE

ZIP CODE

340 SHAWMUT AVE 1 BOSTON MA 02118

14. FATHER'S FULL NAME

BIRTHPLACE

BIRTHDATE

U.S. CITIZEN

15. MOTHER'S FULL NAME

BIRTHPLACE

BIRTHDATE

U.S. CITIZEN

LOPEZ CESAR P. RICO 9-25-49 No ROS MARTHA RICO 10-16-63 No

16. HAVE YOU EVER BEEN MARRIED?

☒ Yes ☐ No

SPOUSE'S OR FORMER SPOUSE'S FULL NAME AT BIRTH

BIRTHPLACE

BIRTHDATE

U.S. CITIZEN

DATE OF MOST RECENT MARRIAGE

Month

Day

Year

WIDOWED/DIVORCED?

☐ Yes Give Date

Month

Day

Year

17. OTHER NAMES YOU HAVE USED

(1)

(2)

18. HAVE YOU EVER BEEN ISSUED A U.S. PASSPORT?

☐ Yes ☒ No IF YES, COMPLETE NEXT LINE AND SUBMIT PASSPORT IF AVAILABLE.

NAME IN WHICH ISSUED

MOST RECENT PASSPORT NUMBER

APPROXIMATE ISSUE DATE

Month

Day

Year

Disposition

☐ Submitted ☐ Stolen☐ Lost ☐ Other

It is necessary to submit a statement with an application for a new passport when a previous valid or potentially valid passport cannot be presented. The statement must set forth in detail why the previous passport cannot be presented. Use Form DSP-54.

19. EMERGENCY CONTACT. If you wish, you may supply the name, address and telephone number of a person not traveling with you to be contacted in case of emergency.

NAME

STREET

CITY

STATE

ZIP CODE

TELEPHONE

()

RELATIONSHIP

20. TRAVEL PLANS (not mandatory)

Date of Trip

Month

Day

Year

Length of Trip

COUNTRIES TO BE VISITED

21. STOP. DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY PERSON ADMINISTERING OATH. I have not, since acquiring United States citizenship, performed any of the acts listed under "Acts or Conditions" on the reverse of this application form (unless explanatory statement is attached). I solemnly swear (or affirm) that the statements made on this application are true and the photograph attached is a true likeness of me.

X Parent's/Legal Guardian's Signature if identifying minor child *[Signature]* Applicant's Signature - age 13 or older *[Signature]* 131

22. FOR ACCEPTANCE AGENT'S USE

Subscribed and sworn to (affirmed) before me

[Signature]

(Signature of person authorized to accept application)

Month Day Year
0 8 3 0 0 1

(SEAL)

☐ Clerk of Court; Location☐ PASSPORT Agent☒ Postal Employee☐ (Vice) Consul USA

23. APPLICANT'S IDENTIFYING DOCUMENTS

☒ DRIVER'S LICENSE

ISSUE DATE:

Month Day Year

0 8 3 0 0 1

EXPIRATION DATE:

Month Day Year

0 7 2 3 0 3

ID No. 545083038

☐ PASSPORT☐ OTHER (Specify)

PLACE OF ISSUE: MASS

ISSUED IN THE NAME OF:

Oscar Lopez Rios

24. FOR ISSUING OFFICE USE ONLY (Applicant's evidence of citizenship)

☒ Birth Certificate

CR

City

Filed/Issued: 7/31/02

☐ Passport

Bearer's Name:

☐ Report of Birth☐ Naturalization/Citizenship Cert.

No.:

Issued:

☒ Seen & Returned☒ Attached

APPLICATION APPROVAL

25.

\$49.00

FEE

EXEC.

EF

OTHER

ESTADO LIBRE ASOCIADO DE PUERTO RICO (COMMONWEALTH OF PUERTO RICO)

DEPARTAMENTO DE SALUD
(DEPARTMENT OF HEALTH)
REGISTRO DEMOGRAFICO
(DEMOGRAPHIC REGISTRY)
CERTIFICACION DE NACIMIENTO
(CERTIFICATION OF BIRTH)

NUMERO DE CERTIFICADO (CERTIFICATE NUMBER)
152-1972-00171-000000-001210

NOMBRE DEL INSCRITO (NAME OF REGISTRANT)

OSCAR LOPEZ RIOS

DOMICILIO (DWELLING HOUSE)
GUAYNABO, PUERTO RICO

FECHA NACIMIENTO (BIRTHDATE)
23 JUL 1972

FECHA INSCRIPCION (REGISTRATION DATE)
31 JUL 1972

LUGAR NACIMIENTO (BIRTHPLACE)
GUAYNABO, PUERTO RICO

SEXO (SEX)
M

NOMBRE DEL PADRE (FATHER'S NAME)
CRESCENCIO LOPEZ

EDAD (AGE)
23

LUGAR NACIMIENTO DEL PADRE (FATHER'S BIRTHPLACE)
CAGUAS, PUERTO RICO

NOMBRE DE LA MADRE (MOTHER'S NAME)
MARTA IRIS RIOS

EDAD (AGE)
17

LUGAR NACIMIENTO DE LA MADRE (MOTHER'S BIRTHPLACE)
RIO PIEDRAS, PUERTO RICO

FECHA EXPEDICION (DATE ISSUED)
13 JUN 2001

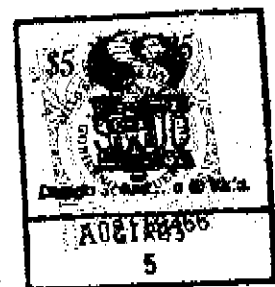
ESTE ES UN ABSTRACTO DEL CERTIFICADO DE
NACIMIENTO OFICIALMENTE INSCRITO EN EL
REGISTRO DEMOGRAFICO DE PUERTO RICO BAJO
LA AUTORIDAD CONFERIDA POR LA LEY 24 DEL
22 DE ABRIL DE 1931

THIS IS AN ABSTRACT OF THE RECORDS FILED
IN THE DEMOGRAPHIC REGISTRY OF PUERTO
RICO ISSUED UNDER THE AUTHORITY OF
LAW 24, APRIL 22, 1931

SECRETARIO DE SALUD
(SECRETARY OF HEALTH)

DIRECTOR REGISTRO DEMOGRAFICO
(STATE REGISTRAR)

DEPARTAMENTO DE
SALUD
GOBIERNO DE PUERTO RICO



Dando Salud... a tu Vida.

ADVERTENCIA: Cualquier alteración o borradura cancela esta certificación.

WARNING: Any alteration or erasure voids this certification.



United States Department of State
Washington, D.C. 20520

DECLARATION JURADA

Lugar: 340 SHAWHUT AVE. APT. #1

Fecha: 3/19/04

Por medio de la presente, yo MARIA HERNANDEZ
de mi propia voluntad, hago la siguiente declaracion a: NICHOLAS PORTER,
EDGAR VASQUEZ AND MARK ANNOTI FEDERAL AGENTS, quienes se han
identificado como Agente Especial del Servicio de Seguridad Diplomatica
del Departamento de Estado de los Estados Unidos de America.

Q. WHAT IS YOUR TRUE AND COMPLETE NAME?

A. MARIA GLADYS RUIZ

Q. WHEN AND WHERE WERE YOU BORN?

A. I WAS BORN IN SANTA ROSA DE OSOS, COLOMBIA ON 4/27/51

Q. WHAT IS YOUR STATUS IN THE U.S?

A. PERMANENT RESIDENT

Q. DO YOU HAVE AN ALIEN IDENTIFICATION #. WHAT IS IT?

A. A79 674 214

Q. HOW MANY CHILDREN DO YOU HAVE?

A. I HAVE 5 CHILDREN.

Q. HOW MANY OF THEM ARE IN THE U.S?

A. I HAVE TWO.

Q. CAN YOU PLEASE NAME THEM, WITH DATES OF BIRTH?

A. THE FIRST ONE IS ADRIAN FUTIGER RUIZ AND JONATHAN RUIZ.
THEY WERE BORN IN 9/16/76 AND 8/17/89 RESPECTIVELY

Q. FROM THE PHOTOGRAPH WE SHOWED YOU, CAN YOU IDENTIFY
HIM?

A. YES, SIR.

Q. WHO IS THE PERSON IN THOSE PHOTOS?

Pagina de Paginas

A. THAT IS ADRIAN (SHOWN EXHIBIT #1)
 Q. WHO IS THE PERSON IN EXHIBIT #2?
 A. HE IS ADRIAN.
 Q. WHO IS THE PERSON IN EXHIBIT #3?
 A. HE ALSO IS ADRIAN.
 Q. IS HE YOUR SON?
 A. YES, SIR.
 Q. WHERE WAS ADRIAN BORN?
 A. DON-MATIAS, COLOMBIA.
 Q. DO YOU HAVE ANY QUESTIONS OR ANYTHING ELSE YOU WOULD-LIKE TO ADD TO THIS STATEMENT?
 A. I HAVE NO QUESTIONS.
 Q. END OF THE STATEMENT

Bajo juramento declaro que el contenido de esta declaracion de 2 paginas es verdadera y correcta; que hice esta declaracion de mi propia voluntad y acuerdo, sin que se me haya hecho alguna promesa de inmunidad, y sin que se haya utilizado alguna amenaza, intimidacion, o coersion, en mi contra. Se me ha tratado con cortesia y no tengo objecion ni queja sobre la conducta de los oficiales que me entrevistaron.

Firma: Maria Hernandez
 Nombre: 340 SHAWMUT AVE. #1
 Direccion: BOSTON MA.

Subscribed and sworn before me on MARCH 19, 2004
 (Date)

[Signature]
 ICE IMMIGRATION AGENT

[Signature]
 ICE IMMIGRATION AGENT

[Signature]
 Special Agent
 U.S. Department of State
 Diplomatic Security Service

(Address)

[Signature]
 Special Agent
 U.S. Department of State
 Diplomatic Security Service

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency DSS

City Boston Related Case Information:

County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Adrian Alexander Gutierrez Ruiz Juvenile ☐ Yes ☒ No

Alias Name Oscar Lopez Rios

Address 340 Shawmut Avenuc, Boston, MA

Birth date: 1976 SS#: _____ Sex: M Race: Hisp. Nationality: Colombian.

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Donald L. Cabell Bar Number if applicable _____

Interpreter: ☒ Yes ☐ No List language and/or dialect: _____

Matter to be SEALED: ☐ Yes ☒ No

☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: February 3, 2004

☐ Already in Federal Custody as _____ in _____

☒ Already in State Custody Plymouth CCF ☐ Serving Sentence ☒ Awaiting Trial

☐ On Pretrial Release: Ordered by _____ on _____

Charging Document: ☒ Complaint ☐ Information ☐ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: May 7, 2004 Signature of AUSA: De L Cabell

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Adrian Alexander Gutierrez Ruiz

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. §1542</u>	<u>False Statements to Obtain Passport</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: DSS